

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:20CR421 HEA/NCC
)
TREMAYNE SILAS,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Second Motion to Reconsider Detention and for Release [Doc. No. 28], and his Supplemental Motion for Reconsideration and Release, [Doc. No. 38], pursuant to 88 USC § 3145 (b), seeking again review and revocation of the order of detention and asking for release on bail. The United States has responded [Doc. Nos. 29 and 39]. For the reasons articulated below, the Motion will be denied.

Background

Defendant was charged by Indictment with being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1). A motion for detention was filed by the United States, which motion alleged that the Defendant was a flight risk and a danger to the community, based upon his

admission to the government that he had participated in a narcotics-related shooting, resulting in the death of victim A.N. (See, Doc. #6, page 2).

A hearing was conducted whereupon the Magistrate Judge adduced evidence which included a statement from Pretrial Services in favor of detention, proffered statements, and arguments of counsel. A Bail Report, to which neither side objected, was submitted. Subsequently, the order of detention was issued by the Magistrate Judge.

Subsequently, Defendant has been indicted on a charge of possession of a firearm, in furtherance of a drug trafficking crime, resulting in death in Cause Number 4:19CR211 RLW.

Analysis

In the Original Opinion, Memorandum and Order denying reconsideration, the Court discussed Judge Cohen's Order of Detention. Judge Cohen found:

By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

She further found:

By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

The Bail Report, unobjected to by Defendant, and viewed and referenced by Judge Cohen, [Doc. No. 17], noted the following statements which were in support of detention and weighing in favor of his risk if nonappearance:

That the weight of evidence against the defendant is strong;
He is subject to a lengthy period of incarceration if convicted;
Prior Criminal History;
Participation in criminal activity while on probation, parole, or supervision;
He has a history of violence or use of weapons;
He has a history of alcohol or substance abuse;
Lack of stable employment
Lack of stable residence;
He has prior failure to appear in court as ordered;
Prior attempt(s) to evade law enforcement;
Background information unknown or unverified;
Prior violations of probation, parole, or supervised release.

These findings and conclusions are fully supported by the record viewed by this Court.

Judge Cohen found that the Defendant is a threat to the community. There is nothing in the record to refute that a firearm recovered from Defendant in 2018 matched shell casings recovered from a murder scene in 2017. Defendant admitted to the murder as part of the murder investigation in 2020. Defendant has been indicted on murder charges.

Although letters from Defendant's grandmother and bishop from his church tout Defendant's positive characteristics, neither his grandmother nor the bishop acknowledge the new indictment for murder, a most grievous charge.

Nothing new has been presented to establish that the original conclusion that Defendant is a danger and threat to the community is no longer accurate.

The record supports the conclusion that Defendant is a flight risk. The same facts and circumstances apparent at the time of the detention order are still in play here. In addition, Defendant is facing a murder charge. Defendant is 27 years old. He is currently on probation in a case involving resisting arrest/fleeing/substantial risk of serious injury or death, ACA and UUW. Defendant has been arrested numerous times for assaults and gun-related charges. Defendant "demonstrates noncompliance while under supervision." [Doc. No.14, pg. 3].

Defendant has not suggested or proffered anything different or in addition to any matter offered or argued initially. Indeed, there is further evidence in the form of the new indictment that weighs against a finding that Defendant is not a danger to the community.

Conclusion

Defendant has not shown any previously unknown information having a material bearing on the considerations of pretrial release sufficient to warrant granting his request for release.

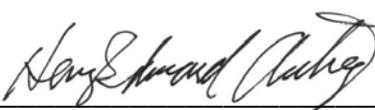
Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Reconsider Detention and for Release, [Doc. No. 28], and the Supplemental Motion to

Reconsider Detention and for Release, [Doc. No. 38], are **DENIED**.

IT IS FURTHER HEREBY ORDERED that the order of detention remains in place.

Dated this 3rd day of December, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE